

Report to the Planning and Zoning Commission

Prepared by the Maricopa County Planning and Development Department

Case: Z2006024 Utility Construction Company, Inc.

Meeting Date: October 5, 2006

Agenda Item: 1

Supervisor District: 1

Applicant: Ken Nickum

Property Owner: Utility Construction Company, Inc.

Request: Major Amendment to a Precise Plan of Development in IND-3 IUPD zoning district

Proposed Use: Office, warehouse, storage, and manufacturing

Site Location: 19442 E. Warner Rd. (in the east Mesa area)

Site Size: Approx. 2.48 gross ac.

County Island Status: Class I (City of Mesa)

Compliance with Adopted Land Use Plans:

County Plan: The County Area Plan designates the site Light Industrial Center. The proposed use is in concert with the plan.

City/Town Plan: The City of Mesa designates the site Light Industrial. The proposed use is in concert with the City's plan.

Support/Opposition: None known

Recommendation: **Approve** with stipulations

Description of Proposal:

1. The purpose of this proposal is to amend a Precise Plan of Development in an IND-3 IUPD zoning district. The site is utilized for office, warehouse, storage, and manufacturing uses.
2. Currently, the site contains a 2000 sq. ft. mobile home, a 10' x 10' storage shed, a mobile office trailer, and a 30' x 30' shade structure. All of which will be removed after the construction improvements to the site described in the following paragraphs. Related vehicles and materials currently stored on-site including pipe, conduit, wire, barricades, trailers, large trucks, backhoes, trenchers and bucket trucks and will remain as integral to the business. The operation will also consist of metal fabrication and minor truck repairs. Manufacturing of pre-cast concrete will also occur on-site which includes mixing and curing of concrete in steel forms.
3. The property is approx. 2.43 gross ac. (281' x 315). The site is located approx. 1,600' east of the northeast corner of Warner Rd. & Sossaman Rd.; both of which are section line roads. Access to the site will be via two driveways off of Warner Rd. The primary entrance will be located approx. 95' from the southwest corner of the site, while the secondary access is via a 20' wide access easement/driveway located along the eastern boundary. Both entrances will be paved with asphalt in the County right-of way (ROW). The access easement is used by the property to the north (Plote Backhoe).
4. The Precise Plan of Development (Z2004019) approved a two-story, combination office and warehouse prefabricated steel building. That building was not constructed. It has been redesigned increasing in size from 125' x 75' x 25' (h) (9,375 sq. ft.) to 125' x 100' x 26' 2" (h) (12,000 sq. ft.). The exterior of the building has been designed with CMU block, rockwall paneling and corrugated metal siding with tinted windows. The siding is Ash Gray color and the block & rockwall are "natural rock in tone". Three (3) open bays and one (1) overhead door will be located on the north side of the building. The south elevation, facing Warner Rd., has no door openings, just windows. The main entrance to the building is on the west side has two (2) entrance doors and an overhead door. The east side has one (1) entrance door.
5. The outdoor operations will be conducted in the rear half of the property. The west half will be dedicated to equipment and truck parking. The area designated for equipment parking is along the west property line while the area designated for the truck parking is along the northern property line. Access for the west half will be through the main entrance. The west half will also include the septic area which will have signs surrounding it indicating that there is no parking allowed on the septic tank or leach field. Groundcover for both areas will consist of asphalt millings. The loading/unloading zone located at the north side of the building. The pre-cast concrete production area is cordoned off with un-slatted chain-link fencing accessed

through the storage yard on the west and through the access easement/driveway on the east via a 25'(l) rolling gate.

6. The site will be fenced to the west, north and east by a chain link fence. Solid perimeter fencing along the west property line (adjacent to Rural-43 zoning) was waived with the IUPD granted with the original zoning case (Z2004019). The west side is proposed chain-link with aluminum slats. There will be a 30' setback along Warner Rd serving as retention and landscaped with Mondell Pine trees (drip irrigated). At the 30' front yard setback line an existing 6' (h) CMU block wall extends from the southwest corner of the site 100' west connecting to a gated, 30' (w) driveway entrance. This proposal removes the remaining block wall and replaces it with the north side of the building wall and slatted chain-link fencing to provide the remainder of the south perimeter fencing, with a 25' (l) span of chain-link fencing from the driveway to the building, then 125' of the building, then 25' (l) chain-link fencing extending to the west driveway. The south gate is a 25' (l) wrought-iron/wood-slat swinging gate.
7. As indicated previously, access will be taken directly from Warner Rd. The internal driveway and parking areas will be paved with asphalt. There will be a total of twenty (20) parking spaces including one (1) handicap accessible space. Twelve (12) parking spaces, standard, and the ADA space are on the west side of the building. These parking spaces are partially obscured from view off Warner Rd. by the CMU wall and three (3) pine trees, the swing gates also are slatted. The chain link fencing is not proposed with slats. Eight (8) parking spaces are on the east side of the building are not obscured from view off Warner Rd.
8. No signage is proposed for the site. A 32 sq. ft. plywood sign on the site now is intended to provide addressing information for construction site purposes and will be removed.
9. The site plan indicates that there is no exterior lighting planned at this time. There are two (2) pole lights along the east edge of the property. The applicant has added a note to the site plan that indicates that any outdoor lighting will be compliant with Section 1112 of the Maricopa County Zoning Ordinance (MCZO). However, the two (2) existing lights are to be removed during the construction of the building and no new outdoor lighting is proposed.
10. Potable water is supplied through a private well and a septic system handles sewage disposal. Electric service is through Salt River Project (SRP) and phone service will be supplied by Qwest. A "will-serve" has been submitted indicating that Rural/Metro Fire Department will provide fire protection services.

Analysis of Conformance with Adopted Plans:

11. **Maricopa County “Eye to the Future 2020” Comprehensive Plan:** The Comprehensive Plan designates this site within the area of a County Area Plan. The Queen Creek Area Plan is the applicable County Area Plan.
12. **Queen Creek Area Plan (County Area Plan):** The land use plan of the Queen Creek Area Plan, adopted April 14, 1992, shows Light Industrial Center uses as appropriate for the site. Uses in this category include warehousing, storage, wholesale distribution activities, limited manufacturing and assembly. The request is consistent with the County Area Plan.
13. **City of Mesa General Plan:** The County’s Comprehensive Plan also designates this site as lying within the Municipal Planning Area (MPA) of the City of Mesa. The City’s Plan designates the subject site for Light Industrial uses. Uses found within this category include limited manufacturing, wholesaling, warehousing, and distribution activities. The proposal is consistent with this land use designation; however the City of Mesa has stated the County zoning (IND-3) is not consistent with the uses allowed under their plan. The City zoning of M-1 would be the allowable zoning in the Light Industrial category, whereas IND-3 correlates to Mesa’s M-2 zoning. The City also provides some design guidelines for consideration. This site is adjacent to a major arterial street and part of the Williams Gateway Airport business district as such aesthetics are also a concern. The zoning is already in place and not part of this proposal, however the City’s design guidelines are reviewed in the ‘Discussion and Evaluation’ section of this report.

Area Land Use Analysis:

14. The subject site is nearly flat. The site has been graded, thus removing much of the native character. Located north of the subject property is a larger area of IND-3 IUPD zoned land. The site is largely surrounded by vacant property on east and west. A new car distribution center (PDI) is approved immediately east of the subject under case Z2002074, but is at this time is still undeveloped. Directly north and sharing the access easement is Plote Backhoe (Z2004020), another construction yard approved at the same hearing as this case.
15. Further on the north side of the Plote Backhoe business is National Specialty Aggregates (NSA), which was approved by the Board of Supervisors (BOS) in 2003 under cases Z2002075 and Z2002136. This is a fully developed site that has amended their Precise Plan of Development as they have grown in size and scope. The business access is off 80th St. to the east.
16. An RV storage facility is located to the northwest of the site under case Z 99-60, while many dairies are located within the general vicinity. The BOS approved a waste transfer station immediately north of the NSA site under case Z2002105, and a mini-

storage facility under Z2002073. Several single-family residences of a rural character are located within the greater vicinity.

17. About 1.5 miles to the north is the leading edge of medium-density single-family residential subdivisions within the City of Mesa. Williams Gateway Airport (WGA) is located approx. 1-mile due south of the site and the site is located within the Airport Overflight Area II. Buildings constructed within this overflight area are recommended to meet noise attenuation of 25 db.
18. The following aerial photographs express the pattern of industrial development in the immediate area and on the site.



[Aerial photo of the site.]



Adjacent Road Status:

19. **Warner Road:** County maintained, 2-lane paved road along an E/W section line arterial with a 98' full-width ROW. No improvements have been made north side of the centerline and adjacent to the site, However, the applicant has provided a bond for future right-of-way improvements including paving, curb, sidewalk and paving along Warner Rd. adjacent to the subject property.

Existing On-Site and Adjacent Zoning:

20. On-site: IND-3 IUPD (Z2004019 & Z2006024)
North: IND-3 IUPD (Z2004028)
East: IND-3 IUPD (Z2002074)

South: AG (City of Mesa)
West: Rural-43

Existing On-Site and Surrounding Land Use:

21. On-site: Office, warehouse, storage, and manufacturing
North: Backhoe maintenance construction storage yard
East: Vacant (approved for a new car distribution facility)
South: Arterial (Warner Rd.), then vacant (natural desert)
West: Vacant desert

Existing Utilities and Service Status:

22. **Water:** Proposed on-site well
23. **Sewer:** Proposed on-site septic
24. **Fire Protection:** Rural/Metro Fire Department (RMFD)
25. **Police Protection:** Maricopa County Sheriff's Office (MCSO)
26. **Electric:** Salt River Project (SRP)
27. **Natural Gas:** Not specified
28. **Telephone:** Qwest Communications
29. **Cable television:** Not specified
30. **Public Schools:** Gilbert Unified School District (GUSD)
31. **Refuse:** Private contract (hauler not specified)
32. **Irrigation:** None

Reviewing Agencies:

33. **Department of Transportation (MCDOT):** The applicant was required to dedicate 65' half-width for Warner Rd. and provide a bond for future right-of-way improvements along Warner Rd. as part of the rezone (Z2004019). The applicant has complied with those stipulations; therefore MCDOT has no objection subject to the following condition: (see the attached memo):

- The applicant/property owner shall obtain the necessary encroachment permits from Maricopa County Department of Transportation for landscaping within the public right-of-way before certification of occupancy.
34. **Environmental Services Department (MCESD):** No objection (see the attached memo.)
35. **Drainage Review:** No objection (see the attached memo.)
36. **City of Mesa:** The City provided several recommendations to bring the site into compliance with the Mesa Zoning Ordinance (see the attached letter). Each of these items will be discussed in detail in the 'Discussion and Evaluation' section of this report.
- Parking be separated from the building face(s) by 15' at the east and west elevations.
 - Landscape island 8' (w) x 13' (l) be provided adjacent the northern-most parking stalls which are located at the east and west sides of the building.
 - A concrete ribbon (foundation base) be provided around the building to separate the building from the asphalt.
 - Chain-link fencing along the property lines be replaced with a block wall.
 - As stated in the project narrative, the sign and outbuildings should be removed.
37. **Williams Gateway Airport Authority (WGAA):** No objection (see the attached letter.)
38. **Town of Queen Creek:** No objection (see the attached email.)
39. **Other:** The request was also routed to the Rural/Metro Fire Department, State Historic Preservation Office, and the Town of Gilbert. To date, no comments have been received from these entities.

Background:

40. **December 15, 2004:** The Board of Supervisors (BOS) approved Z2004019, a rezone from Rural-43 to IND-3 IUPD, with a Precise Plan of Development subject to the following stipulations:
- a. Development shall be in general conformance with the site plan entitled, "Requested Zone Change from Rural-43 to IND-3 for Utility Construction", consisting of one (1) full-size sheet, dated revised August 20, 2004 and stamped received September 13, 2004, except as modified by the following stipulations. Within 30 days of approval by the Board of Supervisors and prior to zoning clearance, the applicant shall submit a revised site plan and narrative report that accurately reflects all outbuildings and other structures on site.

- b. Development of the site shall be in general conformance with the narrative report entitled, "Utility Construction Company", consisting of six (6) pages, undated but stamped received June 28, 2004, except as modified by the following stipulations.
- c. The exterior surface of the proposed metal buildings shall include at least 50% conventional building materials such as but not limited to masonry and stucco.
- d. Dedication to provide the ultimate 65' half-width for Warner Road adjacent to the subject property shall occur within six (6) months of approval of this request by the Board of supervisors, and prior to zoning clearance.
- e. Prior to zoning clearance, the applicant shall bond for future right-of-way improvements along Warner Road adjacent to the subject property. Said improvements shall include curb, gutter, sidewalk and paving. All right-of-way improvements shall be constructed to minimum County standards.
- f. Perimeter fencing shall not exceed six (6) feet in height and shall be assembled with aluminum slatting to provide screening. Any material stored outdoors on-site shall be limited to eight (8) feet in height.
- g. All habitable buildings shall be constructed to achieve a sound attenuation level of 25 decibels.
- h. Prior to zoning clearance, the applicant shall provide satisfactory evidence that Rural/Metro Fire Department has been properly apprised of the proposed development to occur on the subject property and that an offer to extend fire protection services has been made with regard to the subject property. The Will Serve letter shall accurately reflect all structures approved to be on the site.
- i. All perimeter landscaping shall be maintained by the property owner throughout the life of the development. All trees shall be double-staked and shall be no less than 24-inch box size when planted. All shrubbery shall be no less than 1-gallon size when planted. The applicant shall install Mondell Pines along the west property line spaced 20-foot on center.
- j. All transformers, back-flow prevention devices, utility boxes and all other utility-related, ground-mounted equipment shall be painted to complement the development and shall be screened with landscape material where possible. All roof mounted mechanical equipment shall be screened by a continuous parapet.
- k. After zoning approval but prior to any constructions, a drainage clearance in conjunction with a building permit must be obtained from the Flood Control District's Permitting Office.

- l. Prior to issuance of any permits for development of the site, the applicant/property owner shall obtain the necessary encroachment permits from the Maricopa County Department of Transportation for landscaping or other improvements within the public right-of-way.
 - m. All outdoor lighting shall conform with the Maricopa County Zoning Ordinance.
 - n. Development and use of the site shall comply with requirements for fire hydrant placement and other fire protection measures as deemed necessary by the applicable fire department.
 - o. Major changes to this Plan of Development (the site plan and narrative report), or the conditions of approval, shall be processed as a revised application in the same manner as the original application, with final determination made by the Board of Supervisors following recommendation by staff and the Planning and Zoning Commission. Minor changes may be administratively approved by staff of the Planning and Development Department.
 - p. Noncompliance with the Plan of Development (the site plan and narrative report) and conditions of approval will be treated as a violation in accordance with provisions of the Maricopa County Zoning Ordinance.
 - q. This site is subject to a Plan of Development (PD) Overlay Zone.
41. **March 1, 2006:** The applicant submitted this proposal as a Minor Amendment. The amended plan indicated a building increase of 28% and amendments to plans increasing the building size more than 10% require a Major Amendment.
42. **June 26, 2006:** The applicant resubmitted this proposal as a Major Amendment to the approved Precise Plan of Development.

Discussion and Evaluation:

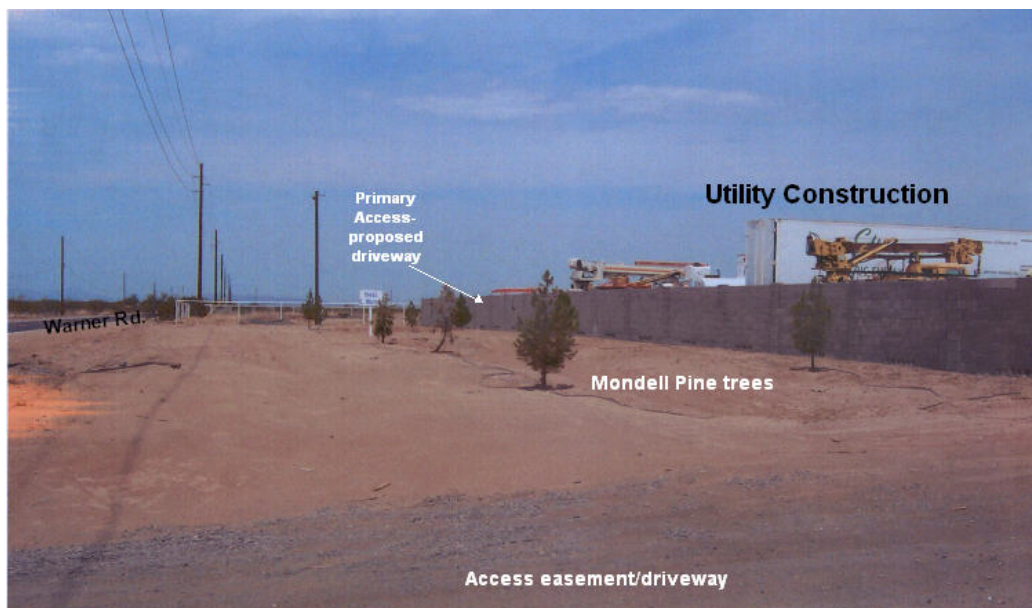
43. Primarily it should be noted that although the site is a Class 1 County Island to the City of Mesa, the zoning is in place and no entitlement is being sought. Further, the site is not served by the City. The plan should conform to the County Standards to the extent possible. While the IUPD sought to relieve the applicant of solid fencing on the west side, the original zoning case also was approved with many of the City of Mesa design criteria. The design criteria applied to this site, is very much the same as the criteria applied to other buildings in the area, also within the County island, particularly with regard to enhanced building design and solid perimeter fencing around construction yards.
44. As indicated earlier, the City of Mesa has provided written comments pertaining to certain setback, storage, and landscaping requirements for this project. The following is a discussion pertaining to each of the particular City of Mesa comments.

45. City request: Parking be separated from the building face(s) by 15' at the east and west elevations. - While this may be design criteria for the City of Mesa it is not clear the intent. The applicant's revised the parking configuration for pedestrian safety by placing it closer to the building. Arranging the parking to be separated 15' from the building, would place the pedestrians in harm's way of the truck traffic intended to enter and exit out of the construction yard.
46. City request: A landscape island 8' (w) x 13' (l) be provided adjacent the northern-most parking stalls which are located at the east and west sides of the building. – The existing building north of this site does not meet these criteria. This is a City design criteria, and while it would be a definite improvement to the site, there is little to support an argument to enforce this request.
47. City request: A concrete ribbon (foundation base) be provided around the building to separate the building from the asphalt. The building to the north was not required to meet this criteria and it was not part of the original zoning stipulations. The applicant has improved their building design and provided over 50% conventional building material to enhance the building design in an effort to conform to the stipulations of the original zoning case. In fact, they have increased the percentage of CMU block from 13% to 14% and increased the rockwall siding from 13% to 25% in an effort to comply with the City's request.
48. City Request: As stated in the project narrative, the sign and outbuildings should be removed - The County standard stipulation "b" requires compliance with the approved narrative.
49. While it could be argued that once developed, the area will be primarily industrial in nature and therefore does not warrant extra effort or expense spent on such items as screening and landscaping. Staff would note that this area will soon be developed with a similar freeway alignment, which could also make this area quite visible, if not from the freeway itself, but due to the increase in traffic getting to and from the freeway. Staff, therefore, believes it important to encourage enhanced site designs and streetscapes when possible in order to mitigate the appearance of industrial blight. The Z2004019 IUPD provided relief from the solid wall fencing required adjacent to residential zoning districts by allowing slatted chain-link fencing on the north, east, and west sides. There is an existing 6' (h) CMU block wall along Warner Rd.
- The proposal is to tear down most of the block wall and use the building and slatted chain-link fencing to obscure the site. Staff sees no benefit in this approach. An argument can be made not to support the City of Mesa request for sidewalks, parking lot landscaping, and foundation plantings when the view of the parking lot is obscured by the solid wall. Requiring a solid perimeter wall along Warner Rd. would seem to be a minor concession, especially in view of the fact the wall already exists.

- The applicant argued in their original zoning case that adjacent properties were not required to build a wall. There is no support for that argument. The City has stated that they would make the same request any construction yard along Warner Rd. The City of Mesa did not consider the new car distribution center (PDI) (east) to be a construction yard, but rather would look more like a new car sales lot and, therefore, the wall was not requested. In addition, the PDI site would have a landscape buffer and retention area along Warner Rd. with the Mondell Pines.
- The applicant has stated that construction of the site will not interfere with the Mondell Pines that have been planted along the front setback. If the pine trees will not be disturbed, then there is no reason why the wall would have to be disturbed, except for construction of the west driveway and sight visibility triangles (SVTs). A solid wall will obscure the view of the parking, and the construction yard. Therefore, staff has included a stipulation that the existing CMU wall along Warner Rd. remains on the site, with the exception of the driveway and SVTs, and if damaged during construction, should be replaced.

50. The applicant indicated in their original proposal (Z2004019) that after rezoning approval they would hire a landscape architect to design and implement the landscaping within the 30' landscape easement along Warner Rd. The site plan indicates twelve (12) Mondell Pine trees along Warner Rd. and eleven (11) Mondell Pine trees along the west perimeter. In addition, Texas Sage and Green Cloud Sage are provided along Warner Rd. The trees were required to be spaced every 20 ft. on center. There is 315 lineal feet along Warner Rd., therefore, a minimum of fifteen (15) trees would be required in the landscape area along Warner Rd. The west perimeter at 281.33 lineal feet would require fourteen (14) trees. A stipulation from the Z2004019 case has been included to address the landscaping.

[photo of the existing site Warner Rd. on next page.]



Recommendation:

51. Staff recommends **approval** of **Z2006024** for the following reasons:

- The use is consistent with the Queen Creek Area Plan and City of Mesa General Plan.
- The site is in conformance with the IND-3 IUPD standards.
- The use is consistent with adjacent uses, which are of an industrial nature.
- Reviewing agencies have no objections to the request except as addressed in the listed stipulations.

Subject to the following stipulations:

- a. Development shall be in general conformance with the site plan entitled, "Major Amendment for Structure Dimension Increase", consisting of one (1) full-size sheet, dated revised August 4, 2006 and stamped received September 12, 2006, except as modified by the following stipulations.
- b. Development shall be in general conformance with the Building elevation & Interior Elevations for Utility Construction Co., Inc. Sheet A3 dated revised September 1, 2006 and stamped received September 12, 2006, except as modified by the following stipulations.
- c. Development of the site shall be in general conformance with the narrative report entitled, "Major Amendment for Structure Dimension Increase Utility Construction company, Inc.", consisting of ten (10) pages, dated September 11, 2006 stamped received September 12, 2006, except as modified by the following stipulations.

- d. The exterior surface of the proposed metal buildings shall include at least 50% conventional building materials such as but not limited to masonry and stucco.
- e. Perimeter fencing on north, east, and west sides shall not exceed six (6) feet in height and shall be assembled with aluminum slatting to provide screening.
- f. With the exception of the proposed driveway and sight visibility triangles (SVTs), the existing 6' (h) concrete masonry wall (CMU) shall be retained along the Warner Road frontage. If said wall is damaged during construction, it shall be replaced with a similar wall.
- g. Any material stored outdoors on-site shall be limited to eight (8) feet in height.
- h. All habitable buildings shall be constructed to achieve a sound attenuation level of 25 decibels.
- i. Development and use of the site shall comply with requirements for fire hydrant placement and other fire protection measures as deemed necessary by the applicable fire department. Prior to issuance of zoning clearance, the applicant shall seek review and comment from the applicable fire protection agency, and shall provide written confirmation that the site will be developed in accordance with their requirements.
- j. Prior to zoning clearance, developer(s) and/or builder(s) shall establish emergency fire protection services, covering all real property contained within the project area during course of construction and shall obtain a 'will serve' letter substantiating coverage from the appropriate Fire Department servicing the site.
- k. Prior to zoning clearance, the applicant shall provide a copy of the sight visibility triangle (SVT) easement for the SVT on the east side of the access easement to be issued to this site from the property owner to the east.
- l. All perimeter landscaping shall be maintained by the property owner throughout the life of the development. All trees shall be double-staked and shall be no less than 24-inch box size when planted. All shrubbery shall be no less than 1-gallon size when planted. The applicant shall install Mondell Pines along the south and west property lines spaced 20-foot on center.
- m. All transformers, back-flow prevention devices, utility boxes and all other utility-related, ground-mounted equipment shall be painted to complement the development and shall be screened with landscape material where possible. All roof mounted mechanical equipment shall be screened by a continuous parapet.

- n. Prior to issuance of any permits for development of the site, the applicant/property owner shall obtain the necessary encroachment permits from the Maricopa County Department of Transportation for landscaping or other improvements within the public right-of-way.
- o. All outdoor lighting shall conform with the Maricopa County Zoning Ordinance.
- p. Major changes to this Plan of Development (the site plan and narrative report), or the conditions of approval, shall be processed as a revised application in the same manner as the original application, with final determination made by the Board of Supervisors following recommendation by staff and the Planning and Zoning Commission. Minor changes may be administratively approved by staff of the Planning and Development Department.
- q. Noncompliance with the Plan of Development (the site plan and narrative report) and conditions of approval will be treated as a violation in accordance with provisions of the Maricopa County Zoning Ordinance.

pz

Attachments: Case map (1 page)
Vicinity map (1 page)
Site plan & elevations (8.5" x 11" reduction, 2 pages)
Narrative report (10 pages)
MCDOT comments (memo, 1 page)
MCESD comments (memo, 1 page)
Drainage review comments (memo, 1 page)
City of Mesa comments (email, 2 pages)
Williams Gateway Airport comments (letter, 2 pages)
Town of Queen Creek comments (letter, 1 page)

Enclosures: Site Plan (1 full-size sheet)
Building elevations & interior elevations, A-3 (1 full-size sheet)